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jury as triers of facts. This would seem to be clear: *A. C. L. R. Co. v. Caple*, 110 Va. 514.

Nevertheless, since the instruction did not direct a verdict, it would seem equally clear that undertaking only to indicate the defendant's duty in a given state of facts, of which there was evidence before the jury, though the question of fact involved a conflict of testimony, the instruction was manifestly proper under the practice in Virginia as heretofore declared in a number of well-considered cases. For instance, in *A. & D. R. Co. v. Rieger*, 95 Va. 429, judge Buchanan thus states the law:

"By instruction No. 5 given for the plaintiff, the jury were informed that, if the view of an approaching train was obstructed as a traveler approached the crossing, a higher degree of care was required of the defendant in the running of its trains than if there had been no such obstructions; but it contained no statement that the plaintiff, under like circumstances, was also held to a higher degree of care. Nor was it necessary that it should contain the latter statement, although it was as clearly the law as was the former statement; for where the object of an instruction is merely to define the duty of the defendant arising out of a supposed state of facts, and it does not purport to contain a complete hypothesis on which a plaintiff suing for injuries caused by alleged negligence is entitled to recover, it is not necessary in such an instruction to refer to the duty or supposed negligence of the plaintiff."

Respectfully,

W. R. RIERSON.

IN VACATION.

Philosophy of Sam Walter Foss.

One day through the primeval wood
A calf walked home, as good calves should;
But left a trail all bent askew,
A crooked trail, as all calves do.

Since then, three hundred years have fled,
And, I infer, the calf is dead.
But still he left behind this trail,
And thereby hangs my moral tale.

The trail was taken up next day
By a lone dog that passed that way;
And then a wise bell-wether sheep
Pursued the trail o'er vale and steep,

And drew the flock behind him, too,
As good bell-wethers always do.

So from that day, o'er hill and glade,
Through those old woods a path was made,

And many men wound in and out,
And bent and turned and dodged about,
And uttered words of righteous wrath,
Because 'twas such a crooked path;

But still they followed—do not laugh—
The first migrations of that calf,
And through this winding woodway stalked
Because he wobbled when he walked.

This forest path became a lane,
That bent and turned and turned again;
This crooked lane became a road,
Where many a poor horse, with his load,

Toiled on, beneath the burning sun,
And traveled some three miles in one.
And thus a century and a half
They trod the footsteps of that calf.

The years passed on with swiftness fleet,
The road became a village street,
And this, before men were aware,
A city's crowded thoroughfare.

And soon the central street was this
Of a renowned metropolis.
And men two centuries and a half
Trod the footsteps of that calf.

Each day a hundred thousand rout
Followed the zigzag calf about;
And o'er his crooked journey went
The traffic of a continent.

A hundred thousand men were led
By one calf near three centuries dead.
They followed still his crooked way,
And lost' one hundred years a day;

For thus such reverence is lent
To well-established precedent.
A moral lesson this might teach,
Were I ordained and called to preach.

For men are prone to go it blind
Along the calf-paths of the mind,

And toil away from sun to sun
To do what other men have done.

They follow in the beaten track,
And out and in, and forth and back,
And still their devious course pursue
To keep the path that others do.

But how the wise old wood-gods laugh,
Who saw the first primeval calf!
Ah! many things this tale might teach;
But I am not ordained to preach.

BOOK REVIEWS.

All book reviews are by the Editor-in-Chief unless otherwise expressly stated.

The Law of Automobiles—By Xenophon P. Huddy, LL. B., of the New York Bar. 4th Edition, by Howard C. Joyce. Albany, New York. Matthew Bender & Company, Incorporated. 1916. Price \$5.50.

When a book in the course of ten years runs through four editions it is an evidence not only that the book is needed but that it is well done. We have had occasion to use Mr. Huddy's book from the first edition and are exceedingly glad to get this fourth edition, which brings the law upon this new and important subject down to date. The use of the auto today has so increased that necessarily litigation of every character has increased along with it and one will be surprised to see the number of cases that have reached the appellate courts in regard to this vehicle. This book in addition to the whole body of the automobile law, has an important chapter upon the jitney, which shows a wonderful growth of the law in regard to this novel use for which the auto is being employed. There is also a chapter upon insurance of automobiles which shows the condition of the law of insurance at the present day in its relation to this machine. We think the concluding paragraph of § 50, which has been brought down through the editions might now in view of present conditions be left out of the book. This paragraph states, "There is no reason for this increased price for the passage of automobiles (over tollroads) except the fact that ordinarily the motorist can afford to pay it." The truth of the matter is that the automobile has been found to be very destructive to roads—far more so than any other vehicle using the roads. This fact of course has only been proven in the last few years and there is every reason in the world why the automobile should pay a higher toll than other carriages.

Mr. Huddy's book was the pioneer on the subject of automobile law. As long as the work continues to be as well done as it is in this fourth edition it will remain the leading book on the subject.